REMARKS

This application has been carefully considered in connection with the Examiner's Final Office Action dated November 23, 2009. Reconsideration and allowance are respectfully requested in view of the following.

Summary of Rejections

Claims 1, 4, 8, 9, 11-15, 20-33, and 35-38 were pending at the time of the Final Office Action.

Claims 1, 4, 8, 9, and 11-15 were rejected under 35 USC § 112.

Claims 1, 4, 8, 9, and 11-15 were rejected under 35 USC § 101.

Claims 1, 4, 11, and 12 were rejected under 35 USC § 102.

Claims 8, 9, 13-15, 20-33, 35-38 were rejected under 35 USC § 103.

Status of the Claims

Claims 1, 4, 8, 9, 11-15, 20-33, and 35-38 are previously presented.

Claims 2, 3, 5-7, 10, 16-19 and 34 were previously cancelled.

Remarks and Arguments are provided below.

Summary of Claims Pending

Claims 1, 4, 8, 9, 11-15, 20-33, and 35-38 are currently pending following this response.

Response to Rejections

Helmus does not expressly or inherently disclose a plurality of log adapters that each communicates with a corresponding log file to extract at least a portion of data stored in the corresponding log file. Additionally, Helmus does not expressly or inherently disclose a monitor component that communicates with the plurality of log adapters and determines event status information related to the order using the at least a portion of the data extracted by the plurality of log adapters. Having a plurality of log adapters that extracts information from a corresponding log file and a monitor component that uses the extracted information to determine event status information enables information needed for performing order tracking and reporting to be collected and processed from systems and applications that have differing architectures.

The pending application discloses that many customer-oriented enterprises rely on largely automated procedures for receiving, entering, and completing a customer order. Tracking and reporting data ensures that orders are not accumulating at any one step without any forward progress through the workflow. Identifying bottlenecks in the business process that block forward progress of other orders is important to recognizing workflow areas that need increased headcount or computing capacity.

An enterprise may depend upon a multitude of computer programs or applications which execute on several different computer systems to process orders. Collecting real-time data as well as historical data related to the orders may be complicated by the existence of the data on multiple systems with differing architectures. For example, the applications may be developed using different programming languages and at different

times and the computer systems may be from different manufacturers and may employ different operating systems.

Accordingly, the pending application provides a business activity monitoring system and method which provides near real-time access to business performance indicators for a diverse audience. The disclosed business activity monitoring system includes a plurality of log adapters that each corresponds with different log files generated by the systems and applications that process the orders. Each of the log adapters parses the corresponding log file entries of the applications and systems to extract needed information, and stores this needed information for processing by the business activity monitoring system. Therefore the disclosed business activity monitoring system is able to collect and process needed information for performing order tracking and reporting, even when the systems and applications that process the order have differing architectures.

Regarding the applied art, the Final Office Action relied on the disclosure of Helmus, Waclawsky and Gal-On. Helmus is directed to a prescription management system. While Helmus discloses a single Command and Control Processor, Helmus does not disclose a plurality of Command and Control processors. Further, Helmus does not disclose that the Command and Control Processor extracts data. Thus, the Command and Control Processor does not teach or suggest the claimed plurality of application logs. While Helmus may disclose that the Command and Control module uses information from queues, Helmus does not disclose that the Command and Control module uses information that was extracted by the queues. Therefore, the Command and Control module does not teach or suggest the claimed monitor component. Waclawsky is directed to techniques for providing and obtaining resource usage information. Gal-On is

directed to optimizing applications on configurable processors. Neither Waclawsky nor Gal-On cure the deficiencies of Helmus.

These distinctions, as well as others, will be discussed in greater detail in the analysis of the pending claims that follows.

Response to Rejections under Section 112

Claims 1, 4, 8, 9, and 11-15 were rejected under 35 USC § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. Specifically, the Final Office Action noted that limitations added recite, "'stored in a memory and executable by a first computer,' however this language does not clearly convey that either the memory or the computer system is a part of the claim scope. It is not clear whether Applicant intends the memory or computer system to be a part of the claim scope" (Page 5). Applicants respectfully submit that the limitations of "stored in a memory and executable by a first computer" are positively recited in claims 1, 4, 8, 9, and 11-15. Therefore, the memory and computer system are intended to be part of the claim scope. Accordingly, Applicants respectfully submit that claims 1, 4, 8, 9, and 11-15 are not indefinite for failing to particularly point and distinctly claim the subject matter which Applicants regard as the invention and respectfully request the rejection under 35 USC § 112 be withdrawn.

Response to Rejections under Section 101

Claims 1, 4, 8, 9, and 11-15 were rejected under 35 USC § 101 because the claimed invention is directed to non-statutory subject matter.

Specifically, the Final Office Action states, "Claims 1, 4, 8, 9 and 11-15 are directed toward functional descriptive material, specifically: a system comprising applications stored in a memory and executable by computer systems, components, adapters and agents. The claims do not positively recite elements that necessarily constitute a system or apparatus. Given the broadest reasonable interpretation the claims could still be directed to software. *Software per se* is not patentable under § 101." (Page 6) While functional descriptive material may, by itself, be non statutory, "[w]hen functional descriptive material is recorded on some computer-readable medium, it becomes structurally and functionally interrelated to the medium and will be statutory in most cases since the user of technology permits the function of the descriptive material to be realized." *See* MPEP 2106.01. Applicants respectfully submit that the descriptive material recited in claims 1, 4, 8, 9, and 11-15 are recited to be "stored in a memory and executable by a first computer," thereby making the descriptive material in claims 1, 4, 8, 9, and 11-15 structurally and functionally interrelated to the medium and no longer *software per se*. *See* MPEP 2106.01. Accordingly, Applicants respectfully submit that claims 1, 4, 8, 9, and 11-15 are directed to statutory subject matter and respectfully request the rejection under 35 USC § 101 be withdrawn.

Response to Rejections under Section 102

Claim 1:

Claim 1 was rejected under 35 USC § 102(b) as being anticipated by Helmus et al., U.S. Pub. No. 2003/0225595 A1 ("Helmus").

I. Helmus does not expressly or inherently disclose a plurality of log adapters that each communicates with a corresponding log file to extract at least a portion of data stored in the corresponding log file.

Claim 1 recites "a plurality of log adapters, each stored in a memory and executable by a processor to communicate with a corresponding one of the first application log file, the second application log file, the first resource log file, and the second resource log file to extract at least a portion of the corresponding one of the first application data, the second application data, the first resource data, and the second resource data."

The Claim Rejections section of the Final Office Action relied on paragraph 0060 of Helmus to teach the above limitations. Specifically, the Claim Rejections section of the Final Office Action interpreted the Command and Control Processor of Helmus as the claimed plurality of log adapters. In contrast to the Claim Rejections section of the Final Office Action, the Response to Arguments section of the Final Office Action relied on paragraph 0124 and Fig. 18 of Helmus to teach the above limitations. Particularly, the Response to Argument Section interpreted the queues as the claimed plurality of log adapters. Applicants respectfully submit that neither the Command and Control Processor nor the queues teach or suggest the claimed plurality of log adapters.

In regard to the Command and Control Processor of Helmus, paragraph 0060 of Helmus discloses that "[t]he Command and Control Processor 101 is in communication with each system processor and provides *an interface* through which real time information regarding, for example, system queues, order location, system resources, and system production is displayed, managed and processed" (emphasis added). Applicants respectfully submit that the Command and Control Processor of Helmus is merely a single component that provides a single interface. Accordingly, Applicants respectfully submit that the Command and Control Processor cannot be interpreted as the claimed *plurality* of log adapters.

Furthermore, Applicants note that claim 1 requires that the plurality of log adapters each communicates with a corresponding log file *to extract* at least a portion of data stored in the corresponding log file. While Helmus may disclose that the Command and Control Processor is in communication with each system processor, Helmus does not disclose that the Command and Control Processor extracts information from each system processor, let alone that the Command and Control Processor extracts information from a corresponding log file. In fact, a text search of Helmus for "extract" produced only two results, and both results are in regard to the Command and Control module. For example, paragraph 0124 discloses that "[t]he Command and Control module can extract information on any single queue or groups of queues." Applicants note that the Final Office Action has interpreted the Command and Control module of Helmus as the claimed monitor component, which is discussed below in section II. Thus, while Helmus may disclose that the Command and Control *module* extracts information, Helmus does not disclose that the Command and Control

Processor extracts information. Accordingly, Applicants respectfully submit that the Command and Control Processor does not teach or suggest the claimed plurality of log adapters.

In regard to the queues of Helmus being interpreted as the claimed log adapters, Applicants note that this interpretation was gleaned from page 4 of the Final Office Action which stated that "[t]he CC module is the monitor component that aggregates data extracted from *multiple applications, or log adapters*, to monitor order processing wherein *each application, or log adapter*, extracts application or resource data from a corresponding protocol, or log file, for each application involved in processing an order" (emphasis added). As discussed above, paragraph 0124 of Helmus discloses that "[t]he Command and Control module can extract information on any single queue or groups of queues." Because Helmus discloses that the Command and Control module extracts information from queues, Applicants have determined that the Final Office Action is interpreting the queues of Helmus as both the claimed applications and the claimed log adapters. Applicants respectfully submit that claim 1 requires a first and a second application and a plurality of log adapters that each performs different functionality (i.e., each application processes and writes data to a log file whereas each of the plurality of log adapters extracts information from the corresponding log file). Thus, Applicants respectfully submit that the queues of Helmus cannot teach or suggest both the claimed applications and the claimed log adapters.

Moreover, Applicants respectfully submit that the queues of Helmus do not teach or suggest the claimed plurality of log adapters because Helmus does not disclose that the queues extract information, let alone that the queues extract information from a

corresponding log file. In contrast, as discussed above, Helmus discloses that only the Command and Control module extracts information. Accordingly, Applicants respectfully submit that Helmus does not expressly or inherently disclose a plurality of log adapters that each communicates with a corresponding log file to extract at least a portion of data stored in the corresponding log file.

II. Helmus does not expressly or inherently disclose a monitor component that communicates with the plurality of log adapters and determines event status information related to the order using the at least a portion of the data extracted by the plurality of log adapters.

Claim 1 recites "a monitor component stored in a memory and executable by a processor to communicate with the plurality of log adapters, and determine event status information related to the order using the at least the portion of the first application data, the at least the portion of the second application data, the at least the portion of the first resource data, and the at least the portion of the second resource data."

The Final Office Action relied on paragraphs 0060, 0124, and 0125 and Figs. 17 and 18 of Helmus to teach the above limitations. Specifically, the Final Office Action interpreted the Command and Control module of Helmus as the claimed monitor component.

Applicants note that paragraph 0060 of Helmus does not discuss the Command and Control module. Rather, paragraph 0060 of Helmus merely discusses the Command and Control Processor, which is being interpreted as the claimed plurality of log adapters as discussed above in section I.

Applicants note that claim 1 requires that the monitor component communicates with the plurality of log adapters and uses the information that was extracted by the plurality of log adapters. While paragraphs 0124 and 0125 and Figs. 17 and 18 of Helmus may disclose that the Command and Control module can communicate with the queues, for the reasons set forth above in section I, Applicants respectfully submit that the queues of Helmus cannot be interpreted as the claimed plurality of adapters. For example, Helmus does not disclose that the queues extract information. Thus, Helmus does not disclose that the Command and Control module uses information that was extracted by the queues. Rather, paragraph 0124 of Helmus discloses that the Control and Command module is merely using information that is "on any single queue or groups of queues."

Furthermore, in regard to the Final Office Action's interpretation that the Command and Control Processor teaches the claimed plurality of log adapters, Applicants respectfully submit that Helmus does not disclose that the Command and Control module is in communication with the Command and Control Processor. Rather, paragraph 0124 of Helmus merely discloses that the Command and Control module communicates with the queues, and paragraph 0060 of Helmus merely discloses that the Command and Control Processor communicates with the system processors and the Workflow Processor. Moreover, Helmus does not disclose that the Command and Control module uses information from the Command and Control Processor, let alone uses information that was extracted by the Command and Control Processor. Accordingly, Applicants respectfully submit that Helmus does not expressly or inherently disclose a monitor component that communicates with the plurality of log adapters and

determines event status information related to the order using the at least a portion of the data extracted by the plurality of log adapters.

III. Helmus does not expressly or inherently disclose a first application and a second application that each processes a portion of an event related to an order and writes application data to an application log file.

Claim 1 recites "a first application stored in a memory and executable by a first computer system to process a portion of a first event related to an order and write first application data to a first application log file, the first application data related to the processing of the first event by the first application; a second application stored in a second memory and executable by a second computer system to process a portion of a second event related to the order and write second application data to a second application log file, the second application data related to the processing of the second event by the second application."

The Claim Rejections section of the Final Office Action relied on paragraphs 0057-0061 and 0093-0094 and Fig. 18 of Helmus to teach the above limitations. Specifically, the Final Office Action interpreted the system processors of Helmus as the claimed first and second applications and the protocols of Helmus as the claimed first and second applications. In contrast to the Claim Rejections section of the Final Office Action, the Response to Arguments section of the Final Office Action relied on paragraph 0124 and Fig. 18 of Helmus to teach the above limitations. Particularly, the Response to Argument Section interpreted the queues as the claimed first and second applications. Applicants respectfully submit that none of the system processors,

protocols, or queues teach or suggest the claimed first and second applications.

Applicants note that claim 1 requires a first application that writes first application data to first application log file and a second application that writes second application data to a second application log file. Applicants respectfully submit that paragraphs 0057-0061 of Helmus do not disclose that each system processor writes data to a log file, paragraphs 0093-0094 and Fig. 18 of Helmus do not disclose that each protocol writes data to a log file, and paragraph 0124 and Fig. 18 of Helmus do not disclose that each queue writes information to a log file. In fact, a text search of Helmus for "write" produced no results.

Furthermore, in regard to the claimed first application log file and second application log file, page 7 of the Final Office Action stated, "The system stores and tracks these protocols in memory, and it is these memory files (see claim 44), which house the various protocols and processor information, that are equivalent to the Applicant's log files." Applicants respectfully submit that claim 44 discloses that an order dispensing module is stored in a computer readable storage media and executable by a processor to dispense the order. Applicants respectfully submit that Helmus does not disclose a memory that "houses the various protocols and processor information," as suggested by the Final Office Action. Additionally, for the sake of argument, even if Helmus disclosed "memory files," Applicants respectfully submit that Helmus does not disclose that each system processor, each protocol, or each queue writes information to a "memory file." Moreover, Applicants note that Helmus does not disclose that either the Command and Control Processor or the queues, which have both been interpreted as the claimed plurality of log files, extract information from the

"memory files," let alone that either one extracts information from a corresponding "memory file." Accordingly, Helmus does not expressly or inherently disclose a first application and a second application that each processes a portion of an event related to an order and writes application data to an application log file.

IV. Helmus does not expressly or inherently disclose a first log agent and a second log agent that each monitors a resource data related to the corresponding computer system used by the corresponding application to process at least some of the event and writes the resource data to a resource log file.

Claim 1 recites "a first log agent stored in a memory and executable by the first computer system to monitor a first resource data related to the first computer system used by the first application to process at least some of the first event and write the first resource data to a first resource log file; a second log agent stored in a memory and executable by the second computer system to monitor a second resource data related to the second computer system used by the second application to process at least some of the second event and write the second resource data to a second resource log file."

The Final Office Action relied on paragraphs 0060 and 0136 of Helmus to teach the above limitations. Page 9 of the Final Office Action stated that paragraph 0060 discloses "the information being monitored and stored in the system's memory files includes resource information."

While paragraph 0060 of Helmus may disclose that system resources can be displayed, Applicants respectfully submit that Helmus does not disclose that the system

resources are "stored in the system's memory files," as suggested by the Final Office Action. Rather, paragraph 0060 of Helmus merely discloses that the Command and Control Processor provides an interface through which information such as system resources are displayed, managed, and processed. Paragraph 0136 of Helmus merely discloses "that the functionality performed by each processor…can be distributed across several HUBs."

Applicants note that claim 1 requires a first log agent that writes the first resource data to a first resource log file and a second log agent that writes the second resource data to a second resource log file. Neither paragraph 0060 nor paragraph 0136 of Helmus disclose a log agent that writes resource data to a resource log file, let alone a first and second log agent that writes resource data a corresponding resource log file. Furthermore, as mentioned above in section III, a text search of Helmus for "write" produced no results. Accordingly, Applicants respectfully submit that Helmus does not expressly or inherently disclose a first log agent and a second log agent that each monitors a resource data related to the corresponding computer system used by the corresponding application to process at least some of the event and writes the resource data to a resource log file.

For at least the reasons established above in sections I-IV, Applicants respectfully submit that independent claim 1 is not anticipated by Helmus and respectfully request allowance of this claim.

Claims Depending from Claim 1:

Claims 4, 11, and 12 were rejected under 35 USC § 102(b) as being anticipated by Helmus*)*.

Dependent claims 4, 11, and 12 depend directly or indirectly from independent claim 1 and incorporate all of the limitations thereof. Accordingly, for at least the reasons established in sections I-IV above, Applicants respectfully submit that claims 4, 11, and 12 are not anticipated Helmus and respectfully request allowance of these claims.

Response to Rejections under Section 103

Claims Depending from Claim 1:

Claims 8, 9, 13, and 14 were rejected under 35 USC § 103(a) as being unpatentable over Helmus in view of Waclawsky et al., U.S. Patent 6,850,530 B1 ("Waclawsky").

Claim 15 was rejected under 35 USC § 103(a) as being unpatentable over Helmus in view of Waclawsky and further in view of Examiner's Official Notice.

Claim 35 was rejected under 35 USC § 103(a) as being unpatentable over Helmus in view of Examiner's Official Notice.

Dependent claims 8, 9, 13-15, and 35 depend directly or indirectly from independent claim 1 and incorporate all of the limitations thereof. Accordingly, for at least the reasons established in sections I-IV above, Applicants respectfully submit that claims 8, 9, 13-15, and 35 are not taught or suggested by Helmus in view of Waclawsky and respectfully request allowance of these claims.

Claim 20:

Claim 20 was rejected under 35 USC § 103(a) as being anticipated by Helmus in view of Waclawsky.

Claim 20 includes limitations substantially similar to the limitations discussed in sections I-IV above. For example, claim 20 recites,

> [P]rocessing, by a first application stored in a first memory and executed by a first computer system, at least a portion of an order; writing, by the first application, first application data related to the first application processing the order a first application log file; writing, by a first log agent stored in a memory and executed by the first computer system, to a first resource log file first hardware information related to the first computer system whereon the first application processes the order; processing at least a portion of the order by a second application stored in a memory and executed by a second computer system; writing, by the second application, second application data related to the second application processing the order to a second application log file; writing, by a second log agent stored in the second memory and executed by the second computer system, to a second resource log file second hardware information related to the second computer system whereon the second application processes the order; extracting, by a plurality of corresponding log adapters stored in a memory and executed by a processor, at least a portion of the first application data, at least a portion of the second application data, at least a portion of the first hardware information, and at least a portion of the second hardware information; and aggregating by a monitor component stored in a memory and executed by a processor the at least the portion of the first application data, the at least_the portion of the second application data, the at least the portion of the first hardware information, and the at least the portion of the second hardware information to monitor order processing.

Accordingly, the arguments of sections I-IV are hereby repeated for claim 20.

For at least the reasons established above in sections I-IV, Applicants respectfully submit that independent claim 20 is not taught or suggested by Helmus in view of Waclawsky, and respectfully request allowance of this claim.

Claims Depending from Claim 20:

Claims 21, 23, and 27-33 were rejected under 35 USC § 103(a) as being unpatentable over Helmus in view of Waclawsky.

Claims 22, 24, and 26 were rejected under 35 USC § 103(a) as being unpatentable over Helmus in view of Waclawsky and further in view of Examiner's Official Notice.

Claim 25 was rejected under 35 USC § 103(a) as being unpatentable over Helmus in view of Waclawsky and further in view of Gal-On et al., U.S. Pub. No. 20030171907 A1 ("Gal-On").

Dependent claims 21-33 depend directly or indirectly from independent claim 20 and incorporate all of the limitations thereof. Accordingly, for at least the reasons established in sections I-IV above, Applicants respectfully submit that claims 21-33 are not taught or suggested by Helmus in view of Waclawsky and respectfully request allowance of these claims. Gal-On does not cure the deficiencies of Helmus in view of Waclawsky.

Claim 36:

Claim 36 was rejected under 35 USC § 103(a) as being unpatentable over Helmus in view of Waclawsky and further in view of Gal-On.

Claim 36 includes limitations substantially similar to the limitations discussed in sections I-IV above. For example, claim 36 recites,

> [P]rocessing, by an application stored in a memory and executed by a computer system, at least a portion of an order; writing, by the application, application data related to the application processing of the order to an application log file; writing, by a log agent stored in a memory and

> executed by the computer system, to a resource log file hardware information related to the computer system whereon the application processes the order; extracting, by a plurality of log adapters stored in a memory and executed by a processor, at least a portion of the application data and at least a portion of the hardware information; aggregating, by a monitor component stored in a memory and executed by a processor, the at least the portion of the application data and the at least the portion of the hardware information to monitor order processing.

Accordingly, the arguments of sections I-IV are hereby repeated for claim 36.

V. Helmus, Waclawsky, and Gal-On, alone or in combination, do not teach or suggest graphically illustrating, by a graphical user interface a hardware architecture of the computer system used by the application to process portions of the order.

Claim 36 recites, "graphically illustrating, by a graphical user interface stored in a memory and executed by a processor, a hardware architecture of the computer system used by the application to process portions of the order."

The Final Office Action relied on Fig. 18 of Helmus to teach the above limitations. Paragraph 0125 of Helmus discloses that "FIG. 18 depicts an example of an instrument panel that is part of the user interface of the Command and Control Module." Applicants respectfully submit that Fig. 18 does not disclose a hardware architecture of the computer system used by the application to process portions of the order, as claimed. Rather, referring to Fig. 18 of Helmus, only the states of various queues are illustrated. In contrast to Fig. 18 of Helmus, Applicants note Fig. 8 of the pending disclosure, which illustrates a graphical illustration of a hardware architecture of the computer system used by the application to process portions of the order. Accordingly, Applicants respectfully submit that Helmus, Waclawsky, and Gal-On, alone or in combination, do

not teach or suggest graphically illustrating, by a graphical user interface a hardware architecture of the computer system used by the application to process portions of the order. Applicants respectfully submit that Waclawsky and Gal-On do not cure the deficiencies of Helmus.

VI. Helmus, Waclawsky, and Gal-On, alone or in combination, do not teach or suggest selecting, by the graphical user interface, a hardware component of the illustrated hardware architecture and displaying, by the graphical user interface, hardware statistics of the selected hardware component.

Claim 36 recites, "selecting, by the graphical user interface, a hardware component of the illustrated hardware architecture; and displaying, by the graphical user interface, hardware statistics of the selected hardware component."

The Final Office Action relied on Gal-On to teach the above limitations. Specifically, the Final Office relied on paragraphs 0028-0036 and 0077-0078 and claim 21 of Helmus and stated that "Gal-On however, discloses a method and system for optimizing applications on processors that allows users to display hardware statistics of selected hardware component in an architecture."

Applicants respectfully submit paragraphs 0028-0036 and 0077-0078 and claim 21 of Helmus do not disclose selecting, by the graphical user interface, a hardware component of the illustrated hardware architecture and displaying, by the graphical user interface, hardware statistics of the selected hardware component. Applicants note that Fig. 4 of Gal-On is the closest figure that could potentially be interpreted as displaying a hardware statistic. However, paragraph 0075 of Gal-On discloses that Fig. 4 merely

shows panels indicating the performance parameters of an application, and not a hardware component. While Fig. 4 may broadly illustrate statistics, Applicants note paragraph 0082 of Gal-On which discloses that, in regard to hardware, Fig. 4 merely illustrates "an estimate of the effect of adding or removing resources on the overall *performance of the application*" (emphasis added). Thus, Fig. 4 is not illustrating statistics of a hardware component, but rather is illustrating statistics of an application. Moreover, Applicants respectfully submit that Gal-On does not disclose that the information displayed in Fig. 4 or any other figure of Gal-On is a result of selecting a hardware component from an illustrated hardware architecture. Accordingly, Applicants respectfully submit that Helmus, Waclawsky, and Gal-On, alone or in combination, do not teach or suggest selecting, by the graphical user interface, a hardware component of the illustrated hardware architecture and displaying, by the graphical user interface, hardware statistics of the selected hardware component. Applicants respectfully submit that neither Helmus nor Waclawsky cure the deficiencies of Gal-On.

For at least the reasons established above in sections I-VI, Applicants respectfully submit that independent claim 36 is not taught or suggested by Helmus in view of Waclawsky, and respectfully request allowance of this claim. Gal-On does not cure the deficiencies of Helmus in view of Waclawsky.

Claims Depending from Claim 36:

Claims 37 and 38 were rejected under 35 USC § 103(a) as being unpatentable over Helmus in view of Waclawsky and further in view of Gal-On.

Dependent claims 37 and 38 depend directly or indirectly from independent claim 36 and incorporate all of the limitations thereof. Accordingly, for at least the reasons

established in sections I-VI above, Applicants respectfully submit that claims 37 and 38 are not taught or suggested by Helmus in view of Waclawsky and respectfully request allowance of these claims. Gal-On does not cure the deficiencies of Helmus in view of Waclawsky.

Conclusion

Applicants respectfully submit that the present application is in condition for allowance for the reasons stated above. If the Examiner has any questions or comments or otherwise feels it would be helpful in expediting the application, he is encouraged to telephone the undersigned at (972) 731-2288.

The Commissioner is hereby authorized to charge payment of any further fees associated with any of the foregoing papers submitted herewith, or to credit any overpayment thereof, to Deposit Account No. 21-0765, Sprint.

Respectfully submitted,

Date: January 25, 2010

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